

REMARKS

This is a full and timely response to the non-final Office Action (Paper No. omitted) mailed by the U.S. Patent and Trademark Office on June 18, 2004. Claims 1-20 remain pending in the present application. Independent claims 1, 8 and 15 are amended. Applicants respectfully submit that support for the amendments can be found at least on page 2, lines 8-11; page 7, lines 8-10; and page 10, line 29 to page 11, line 1 of the specification. In view of the foregoing amendments and following remarks, reconsideration and allowance of the present application and claims are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-20

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,675,166 to Bova (hereafter *Bova*), in view of U.S. Patent No. 6,606,566 to Sunshine (hereafter *Sunshine*).

For a claim to be properly rejected under 35 U.S.C. § 103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted). Further, for a proper rejection under 35 U.S.C. § 103(a), a combination of references must expressly or impliedly suggest all of the features of the claimed invention, *i.e.*, all of the features cited in the claims at issue. *In re Gorman*, 933 F.2d 982, 18 USPQ 1885 (Fed. Cir. 1991). Hindsight reconstruction is impermissible. *See, e.g., Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991). Further, “[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

It is stated in the Office Action that:

Bova discloses: A process for inclusion of links within a chromatography or spectroscopy software package, comprising:
 injecting a sample of compounds into a chromatographic or spectroscopic instrument; creating a method that contains data analysis

parameters relating to the sample of compounds; creating a calibration table that contains the data analysis parameters; analyzing the signals generated by the method (Bova on col. 1, lines 28-33 teaches handling search results produced from laboratories; on col. 4, lines 15-23 teaches allowing lab researchers to plan, implement, manage, track, review, and interpret research; and col. 6, lines 26-49 teaches using XML to interact with the database); and

generating a report that provides results of the signal analysis, wherein the meta language tools link the report to resources that store information relating to the compounds (Bova on col. 2, lines 51-65 teaches research results data are linked to the local database).

However, Bova does not explicitly disclose “incorporating meta language tools in the calibration table”.

Sunshine discloses “incorporating meta language tools in the calibration table”, on col. 5, lines 34-47 teaches the results can be formatted into HTML and displayed on a web page.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Sunshine into Bova to provide a way to format results into HTML, as taught by Sunshine, incorporated into the research results of Bova, in order to allow data to be exchanged between computer (processor) and a database.

Bova appears to disclose a method of distributing research data from a common database to a user of the common database. *See Bova, Abstract*. Data concerning research results and data upon which the research results are based are stored in a local database and linked to each other. Data concerning research results and data upon which the research results are based are selectively extracted from the local database to the common database. *See Bova, Abstract*. *Bova* continues, stating:

[t]he memory also includes instructions for selectively extracting data concerning research results and data upon which the research results are based from the local database to the common database and for distributing to a user of the common database research data selected by the user from the extracted data concerning research results and the data upon which the extracted data are based.

See Bova, col. 2, lines 59-65.

Bova continues, stating:

[w]hen a researcher is ready to make data available to a wider audience, the researcher performs a query on his or her laboratory database to collect the data to be reported. The results of this query (with the tables it draws upon and the specific contents specified by the query) are extracted from the database as a deliverable entity. This corpus of information may be known as a “datamorph” and may include a deeply referenced and detailed version of the information often included in the “Materials and Methods” and “Results” sections

of paper and electronic scientific publications.

See Bova, col. 5, lines 10-20.

Furthermore, *Bova* states that “[t]he editor may give such access [referring to access to a datamorph provided by an editor to other editors] by providing the editors with Uniform Resource Locators (URL) links and passwords to view the datamorph in an automated or manual way.” *See Bova*, col. 5, lines 43-47. From this it is clear that *Bova* teaches providing access to report information via URL links, but does not teach that links are automatically included within the report, where the links connect the report to other resources. *Bova* continues, stating “[w]here appropriate, XML (Extensible Markup Language), SGML (Standard Generalized Markup Language) or other implementation languages may be used in a browser-based implementation of the DA with appropriate style sheets on the front-end to allow interoperability between the database structure and other data formats used by a laboratory.” *See Bova*, col. 6, lines 34-40.

Sunshine appears to disclose a computer program product or code in memory for detecting and transmitting sensory data from a portable field device to a processor via a computer network for analytic purposes. *See Sunshine, Abstract*. *Sunshine* states that “the present invention provides a system including computer code for capturing and transmitting analyte data pertaining to an unknown analyte.” *See Sunshine*, col. 2, lines 39-41. *Sunshine* continues, stating:

[t]he computer code is embedded in memory, which can be at a single location or multiple locations in a distributed manner. The system has a first code directed to capturing data for the unknown analyte using a field device at a first geographic location. The system also includes a second code directed to transmitting the captured analyte data to a processor at a second geographic location via a computer network.

See Sunshine, col. 2, lines 41-48.

Sunshine continues, stating “[b]y transmitting the captured analyte data via a computer network, the present invention provides a system including computer codes that is capable of transmitting analyte data in a timely and efficient manner.” *See Sunshine*, col. 2, line 66 - col. 3, line 4. In col. 5, lines 42-47, *Sunshine* states that “[t]he results can be made available to the field device 10 in a number of ways. For example, the processor 12 can directly send the results back to the field device 10 via the computer network 18, or, the results can be formatted in HTML and displayed on a

web page which can then be accessed by the field device 10 to retrieve the results.” From this it is clear that *Sunshine* merely discloses the detecting and transmitting of analyte data from a field device to a processor, and possibly making the data available to the field device using world wide web-based formatting.

In marked contrast thereto, the present invention describes a report generated by a chromatographic or spectroscopic analysis system in which the report includes “automatically included” meta language links to resources that are directly accessible from within the report.

Applicants respectfully submit that the proposed combination fails to disclose, teach or suggest each element in the claims. With regard to independent claim 1, Applicants respectfully submit that the proposed combination fails to disclose, teach or suggest at least “incorporating meta language tools in the calibration table,” and “generating a report that automatically includes the meta language tools and that provides results of the signal analysis, wherein the meta language tools link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report,” as recited in independent claim 1. Neither does the proposed combination disclose, teach or suggest at least “incorporating links within the method, wherein the links direct an operator to resources that contain information relating to the compounds,” and “generating a chromatographic or spectroscopic report that automatically includes the links, wherein the report includes the links embedded within the method, the resources being directly accessible from within the report,” as recited in independent claim 8. Neither does the proposed combination disclose, teach or suggest at least “tags automatically included in the report for electronically linking the report to resources that store the information relating to the compounds, the resources being directly accessible from within the report,” as recited in independent claim 15.

Applicants respectfully disagree with the statement in the Office Action that *Bova* discloses “injecting a sample of compounds into a chromatographic or spectroscopic instrument.” Applicants respectfully submit that nowhere does *Bova* disclose, teach or suggest a chromatographic or spectroscopic instrument. Further, Applicants have carefully reviewed *Bova*, and respectfully submit that neither the term “chromatographic” nor the term “spectroscopic instrument” appear anywhere within *Bova*.

Applicants also respectfully disagree with the statement in the Office Action that *Bova* discloses “creating a calibration table that contains the data analysis parameters.” Applicants respectfully submit that nowhere does *Bova* disclose, teach or suggest a calibration table that contains data analysis parameters.

Further, Applicants respectfully disagree with the statement in the Office Action that *Bova* discloses “generating a report that provides results of the signal analysis, wherein the meta language tools link the report to resources that store information relating to the compounds.” Applicants respectfully submit that nowhere does *Bova*, in col. 2, lines 51-65, as alleged by the Office Action, or elsewhere, disclose, teach or suggest generating a report wherein the meta language tools link the report to resources that store information relating to the compounds. Applicants respectfully submit that the term “meta language tools” does not appear anywhere within *Bova*.

Applicants also respectfully disagree with the statement in the Office Action that *Sunshine* discloses “incorporating meta language tools in the calibration table.” Applicants respectfully submit that nowhere does *Sunshine* disclose, teach or suggest “incorporating meta language tools in the calibration table,” as recited in independent claim 1. Applicants respectfully submit that the term “meta language tools” does not appear anywhere within *Sunshine*.

Further, Applicants respectfully disagree with the Office Action’s characterization that Applicants’ invention is used to “format results into HTML, as taught by Sunshine, incorporated into the research results of *Bova*, in order to allow data to be exchanged between computer (processor) and a database.” Applicants respectfully submit that Applicants’ invention does not “format results into HTML, as taught by Sunshine, incorporated into the research results of *Bova*, in order to allow data to be exchanged between computer (processor) and a database,” as alleged by the Office Action. Instead, Applicants’ invention automatically incorporates meta language tools in a report to allow a user of the report access to information that is not normally provided in the report.

No Motivation to Combine *Bova* with *Sunshine*

Applicants respectfully submit that there is no motivation to combine *Bova* with *Sunshine* to arrive at the present invention. “Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent

some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so.” *ACS Hospital Systems, Inc., v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Further, “[t]here must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination.” *In re Oetiker*, 977 F.2d 1443, 1447, 24 USPQ2d 1443 (Fed. Cir. 1992).

Applicants respectfully submit that there is nothing in *Bova* and *Sunshine* that would motivate one having ordinary skill in the art to combine these references to arrive at Applicants’ invention. Further, the proposed combination fails to provide either a reasonable expectation of success of combining the references to generate the calibration table having the meta language tools or a report having automatically included meta language tools, or show any relevance to the problem solved by Applicants’ invention. Specifically, Applicants respectfully submit that one having ordinary skill in the art would not be led to combine *Bova*, which **does not** mention the terms “chromatographic” or “spectroscopic instrument,” with *Sunshine*, which **does not** mention the term “meta language tools” to arrive at Applicants’ invention.

Further, the Office Action fails to articulate a clear motivation to make the proposed combination. Specifically, Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness because the Office Action has not pointed out the specific teachings in *Bova* and *Sunshine* that would motivate one having ordinary skill in the art to combine the references to arrive at Applicants’ invention. Indeed, the proposed combination of *Bova* and *Sunshine* fails to disclose, teach or suggest incorporating meta language tools in a calibration table, or automatically incorporating links within a method, wherein the links direct an operator to resources that contain information relating to the compounds being analyzed by a chromatograph or a spectrometer. Neither does the proposed combination generate a report having automatically included meta language tools that correspond to resources, as claimed by the Applicants.

Further, Applicants respectfully disagree with the conclusory statement in the Office Action that:

[i]t would have been obvious to a person of ordinary skill in the art at the time of the invention to have modified *Sunshine* into *Bova* to provide a way to format results into HTML, as taught by *Sunshine*,

incorporated into the research results of Bova, in order to allow data to be exchanged between computer (processor) and a database.

Applicants respectfully submit that one having ordinary skill in the art would *not* be led toward combining *Bova* and *Sunshine* because *Bova* fails to mention chromatographic or spectroscopic analysis and *Sunshine* fails to mention the use of meta language tools. Accordingly, Applicants respectfully submit that the proposed combination teaches away from Applicants' invention and is therefore improper.

Accordingly, Applicants respectfully submit that independent claims 1, 8 and 15 are allowable over the combination of *Bova* and *Sunshine*, and furthermore, that dependent claims 2-7, 9-14 and 16-20 are allowable for at least the reason that they depend from allowable independent claims. *In re Fine, supra*.

Claims 2, 9 and 16

Claims 2, 9 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bova*.

It is stated in the Office Action that:

Bova discloses: linking uniform resource locators to the report via a network (Bova on col. 5, lines 45-46 teaches providing URL links to view the datamorphs (report)).

Applicants respectfully submit that *Bova*, in col. 5, lines 45-46 merely teaches that it is possible to direct an editor to a datamorph with a URL and in no way teaches each element of the independent claims from which claims 2, 9 and 16 depend. Furthermore, for at least the reasons discussed above with respect to claims 1, 8 and 15, Applicants respectfully submit dependent claims 2, 9 and 16 are allowable in that they depend from allowable independent claims. *In re Fine, supra*.

Claims 3-4, 10-11 and 17-18

Claims 3-4, 10-11 and 17-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bova*.

It is stated in the Office Action that:

Bova discloses: includes linking internal and local databases to the report (Bova on col. 2, lines 51-65 teaches research results data are linked to the local database).

Applicants respectfully submit that *Bova*, in col. 2, lines 51-65 merely teaches distributing information among databases and in no way teaches each element of the independent claims from which claims 3-4, 10-11 and 17-18 depend. Furthermore, for at least the reasons discussed above with respect to claims 1, 8 and 15, Applicants respectfully submit dependent claims 3-4, 10-11 and 17-18 are allowable in that they depend from allowable independent claims. *In re Fine, supra*.

Claims 5, 12 and 19

Claims 5, 12 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bova*.

It is stated in the Office Action that:

Bova discloses: using HyperText Markup Language, Extensible Markup Language, or Chemical Markup Language for the meta language tools (Bova on col. 6, lines 26-49 teaches using XML, SGML or other implementation languages).

Applicants respectfully submit that *Bova*, in col. 6, lines 26-49 merely teaches the use of XML, SGML or other implementation languages that may be used in a browser-based implementation of the DA (computer-implemented database, as defined by *Bova* in col. 4, line 15) and in no way teaches each element of the independent claims from which claims 5, 12 and 19 depend. Nor does *Bova* disclose, teach or suggest the use of Chemical Markup Language (CML). Furthermore, for at least the reasons discussed above with respect to claims 1, 8 and 15, Applicants respectfully submit dependent claims 5, 12 and 19 are allowable in that they depend from allowable independent claims. *In re Fine, supra*.

Claims 6 and 13

Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bova*.

It is stated in the Office Action that:

Bova discloses: using a web browser to display the meta language tools directly in the report (Bova on col. 6, lines 26-49 teaches using XML to interact with the database (see Figure 2 shows Internet Explorer browser)).

Applicants respectfully submit that *Bova*, in col. 6, lines 26-49 merely teaches the use of XML, SGML or other implementation languages that may be used in a browser-based implementation of the DA (computer-implemented database, as defined by *Bova* in col. 4, line 15) and in no way teaches each element of the independent claims from which claims 6 and 13 depend. Furthermore, for at least the reasons discussed above with respect to claims 1 and 8, Applicants respectfully submit dependent claims 6 and 13 are allowable in that they depend from allowable independent claims. *In re Fine, supra*.

Claims 7 and 14

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bova*.

It is stated in the Office Action that:

Bova discloses: editing the meta language tools in the calibration table (*Bova* on col. 5, lines 44-47 teaches providing editors with links to be implemented in their datamorphs).

Applicants respectfully submit that *Bova*, in col. 5, lines 44-47 merely teaches that it is possible to direct an editor to a datamorph with a URL and in no way teaches each element of the independent claims from which claims 7 and 14 depend. Nor does *Bova* disclose, teach or suggest a calibration table, much less a calibration table having a meta language link. Furthermore, for at least the reasons discussed above with respect to claims 1 and 8, Applicants respectfully submit dependent claims 7 and 14 are allowable in that they depend from allowable independent claims. *In re Fine, supra*.

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that all outstanding rejections be withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicants' response or intends to dispose of this matter in a manner other than a notice of allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

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